

City of Benicia – Amplified Sound in the Downtown Area Community Workshop Summary April 11, 2017

The City of Benicia hosted a Community Workshop on April 11, 2017 in order to inform the public about current regulations/framework and solicit input on amplified sound within the City's Downtown.

30 participants signed in to the event representing businesses, residents, and/or local musicians (see Attachment 1 for sign in sheets).

BACKGROUND INFORMATION/CONTEXT

City Staff and Consultants provided a PowerPoint Presentation with background information about the City's regulatory framework, along with existing standards and representative noise levels. The presentation also covered the current options to request temporary and permanent exceptions from the noise standards.

GENERAL QUESTIONS AND COMMENTS

1. What can the City do to ensure that indoor entertainment is contained (e.g., door is generally kept shut to address noise issues at Relic)? *Response: code enforcement.*
2. DMUMP allows live entertainment indoors by right? *Response: yes.*
3. Noise Ordinance exceptions (e.g., use permits) with special considerations should be enforced.
4. Is there a non-profit exemption?
5. Focus on noise attenuation methods – providing business owners with information may help solve some of the problems.
6. Current regulation is a problem.
7. Noisy Downtown is a vibrant Downtown.
8. Use Permits – are they no longer applicable in Downtown? *Response: previously approved permits are still valid. They are no longer required if consistent with the current noise ordinance.*
9. We should ensure a level playing field for businesses moving forward.
10. Can we standardize the noise standards?
11. This City Council recognizes that times are changing and Downtown is evolving.
12. From an economic development perspective, entertainment includes performing arts with local artists. There is a lively nighttime crowd here in Benicia. We can control the impact and the music does not need to be amplified.

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13. Technology has advanced. For indoor performance, you can attenuate the noise. The City should allow more flexibility for indoor noise and recognize the difference noise.
14. Can't apply the same standards to indoor and outdoor amplification because they are just too different.
15. There are 4 outdoor venues within 1.5 blocks and the impact is too much.
16. What do the special permits allow? *Response: it varies.*
17. The level of noise is the issue. It's not necessary to be so loud.
18. Music is not noise.
19. Is there a way to notify folks of permit applications?
20. We don't need to reinvent the wheel. Look to other communities with vibrant music scenes.
21. Noise levels need to recognize the balance between enjoyment of nearby residents and enjoyment of live entertainment patrons.
22. As musicians, we do take into consideration potential impact with outdoor venues.
23. The City also should probably fix the noise ordinance to address the subjectivity and recognize the distinctions between indoor and outdoor noise impacts.
24. Do outdoor speakers along sidewalks and parking areas count as amplified sound subject to compliance with the Noise Ordinance (e.g., Coldwell Banker)? *Response: yes.*
25. What else is the City doing in terms of research and analysis about creative solutions, noise amplification? *Response: once we understand the local issues and concerns, we'll focus or expand our research and potential solutions for the City's consideration.*
26. The community is changing to a fun, vibrant, and active place. Live music is part of that change.
27. Outdoor venues are the only ones that can be enjoyed by families because the indoor venues are all in bars that require patrons to be 21 years or older.
28. Is containment of sound really the consideration here?
29. Be considerate and respectful of neighbors. It's really pretty simple.
30. Community driven decisions – how will we ensure that the solution is community driven?

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COMMUNITY INPUT EXERCISE

Participants were provided with two stickers and asked provide their input/preferences for each of two questions given a range of potential responses. The number of stickers listed on each response is provided below and an image of the poster boards included in [Attachment 2](#).

Question #1:

Should Downtown be treated the SAME or DIFFERENTLY than other areas of the City for regulating amplified sound?	
No, treat amplified sound the same in Downtown.	6 stickers
Yes, allow amplified sound in the Downtown on LESS (fewer) days of the week and/or for shorter hours.	
Yes, allow amplified sound in the Downtown on MORE days of the week and/or for longer hours each day.	18 stickers
Other (write in)	“Sunday restrictions, commonly referred to as “Blue Laws” are constitutionally untenable.

Question #2:

If Downtown is treated differently, should the City allow amplified sound on Sundays and legal holidays similar to other days of the week?	
No amplified sound allowed on Sundays.	
Amplified sound should end earlier on Sundays and legal holidays than other days of the week.	7 stickers
Amplified sound should be allowed during the same hours on Sundays and legal holidays as the other days of the week.	14 stickers
Amplified sound should end later on Sundays and legal holidays as the other days of the week.	1 sticker
Other restrictions on allowing amplified sound on Sundays and legal holidays. If so, what? (write-in)	

General Comments and Concerns (written notes)

- Amplified music is not necessarily louder than unamplified music.
- Live music is an important ingredient to a vibrant downtown. I hope that a compromise can be reached that makes residents and businesses happy.
- The question about letting amplified sound and on the Sunday and holiday, at the same time as other days of the week is unclear since time ending varies day by day of the week.
- Restaurants need the additional revenue by having music.

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- Without the vitality of live entertainment, there would be less of a community.
- Can we limit the number of outdoor permits?
- Can we contain (baffle) the sound at the source?
- The question should be about how loud the music is, not whether it is amplified.
- If the noise can't be heard in my house and if the noise doesn't disturb residents, then how long the music is played doesn't matter.
- Outdoor amplified music should be controlled so that it is not heard beyond the venue. There should be strict enforcement. Three strikes and you're out.
- I would like longer hours on holidays and 8 pm on Sundays.